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Attorney for Defendant Ressler Motor

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JACOB RHODES,

Case No.: CV-21-32-BU-BMM

Plaintiff,

vs.

RESSLER MOTOR COMPANY,

Defendant.

NOTICE OF REMOVAL

Defendant Ressler Motor Company (“Ressler”) removes this matter from the Montana Eighteenth Judicial District Court, Gallatin County, Montana, to the United States District Court for the District of Montana pursuant to 28 U.S.C. §§ 1332, 1441, 1443 and 1446. As set forth below, this matter is properly removed because defendant has complied with the statutory requirements for removal under 28 U.S.C. §§ 1441 and 1446, and this court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

Pursuant to the requirements of 28 U.S.C. § 1446(a), Ressler presents the following short and plain statement of the grounds for removal:

1. Plaintiff Jacob Rhodes filed this action in the Montana Eighteen Judicial District Court, Gallatin County, on February 12, 2021 (“State Court Action”). Pursuant to 28 U.S.C. § 1446(a) and Local Rule of Procedure 3.3(a), true and correct copies of all papers served in the State Court Action are attached as Exhibits A through E.

2. This Notice of Removal is proper because it is being filed within thirty (30) days of receipt by defendant of “a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based,” and is therefore timely under 28 U.S.C. § 1446(b)(1). The complaint was received by counsel for Ressler via email on March 11, 2021. Exhibit F. Counsel for Ressler acknowledged

service on April 1, 2021. Exhibit C. Counsel for Ressler filed a Notice of Appearance with the Eighteenth Judicial District Court on April 8, 2021. Exhibit D. Counsel for Ressler also filed with the Eighteenth Judicial District Court the Notice of Notice of Removal on April 8, 2021. Exhibit E.

3. This action is properly removed to this court. It is a civil action over which the United States District Court for the District of Montana has jurisdiction under 28 U.S.C. § 1331 because it asserts claims arising under the Constitution, laws or treaties of the United States as follows:

a. Plaintiff's complaint alleges violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* Exhibit A (Complaint and Demand for Jury Trial) at ¶¶ 1, 2, 19, 20.

b. Plaintiff's complaint alleges violation of Section 1981 of the Civil Rights Act of 1871, 42 U.S.C. § 1981. *Id.* at ¶¶ 1, 2, 22, 24

5. This Notice of Removal to the District of Montana is proper because this district includes Gallatin County, Montana. *See* 28 U.S.C. § 106.

6. Pursuant to 28 U.S.C. § 1446(d), defendant will give plaintiff written notice of the filing of this Notice of Removal and will file a copy of the Notice of Removal with the Clerk of the Montana Eighteenth Judicial District Court, Gallatin County, Montana.

7. Defendant has satisfied the requirements for removal under 28 U.S.C. § 1446 and all other applicable rules.

WHEREFORE, for all of the foregoing reasons, Ressler respectfully requests that this court assume full jurisdiction over this cause and that this cause continue to proceed before this court as an action properly removed.

DATED this 8th day of April, 2021.

/s/ WILLIAM J. MATTIX
CROWLEY FLECK PLLP
Attorneys for Defendant Ressler Motor Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following counsel of record, by the means designated below, on this 8th day of April, 2021:

<u>X</u>	U.S. Postal Service	Philip A. Hohenlohe
_____	FedEx	Law Office of Philip Hohenlohe, PLLC
_____	Hand Delivery	316 Fuller Avenue
_____	Facsimile	P. O. Box 1959
<u>X</u>	E-mail	Helena, MT 59624-1959 phil@hohenlohelaw.com

/s/ William J. Mattix
CROWLEY FLECK PLLP